



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3004832
Applicant Name : Lisa Port for William Bannecker Company
Address of Proposal: 1901 8th Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application to remove 1,850 sq. ft. of vegetation and 12 trees in an environmentally critical area. Project includes a Revegetation Management Plan.

The following approval is required:

SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site Location: The site is an “L-shaped” land locked vacant property located south of the end of 8th Avenue North.

Zoning: Lowrise 3 (L-3).

Parcel Size(s): The parcel size for this property is 8,638 square feet (sq. ft.).

Existing Use: This property is currently vacant.

Zoning in the Vicinity: The zoning in the vicinity is L-2, L-3 and Commercial 1 (C1-65').

Use in the Vicinity: The development in the vicinity consists of multi-family buildings, mixed-use residential/commercial and a television broadcast station (KCPQ).

Proposal

This proposal is for the removal of twelve (12) trees and understory vegetation that have been topped/removed by the property owner in an environmentally critical area. Per the owner, the tree topping was done for view improvement for neighboring properties. This activity occurred primarily in the southeasterly area of the subject property.

The project includes specific recommendations from Tina Cohen (Certified Arborist) and Lisa Port (landscape designer) on the work to be performed. Per the Arborist Report and identified plans, the project should be completed within three (3) phases. Each phase includes the following activity:

Phase I (Tree Removal Approach)

- Create an access trail parallel to the contours, similar to creating switchbacks.
- Remove the remaining three (3) stems of the east Maple and retain all the Maple stumps to temporarily continue to retain the slope.
- Redo the brush piles into smaller habitat piles or remove them.
- Remove identified invasive species (knotweed, blackberry, etc.) during clearing operations.
- Utilize bioengineering techniques (jute matting, arborist chips and downed wood) as necessary.

Phase II (Revegetation Approach)

- Plant a minimum of twenty-four (24) trees, (2 for 1) as detailed in the restoration plan with the intent to choose "species genetically programmed not to grow into the view-shed at maturity".
- Investigate the use of fascines as retention across the slope.
- Replant prepared areas with native under-story as detailed in the arborist report, to encourage slope stabilization and sustainable forest regeneration.

Phase III (Site Maintenance Approach)

- Adhere to a detailed maintenance plan to monitor the plantings.

Public Comments

The required public comment period ended on July 12, 2006. DPD received one written comment regarding this proposal. The neighbor expressed concerns regarding the property owner having the opportunity to remove additional trees beyond the amount of trees and vegetation that has already been removed.

Additional Information

DPD has issued a Notice of Violation (File Number #1006413) for the clearing of more than 750 sq. ft. of trees and other vegetation in an environmentally critical area without a tree and vegetation removal permit.

ANALYSIS - SEPA

The proposal site is located in an environmentally critical area-potential landslide and steep slope-thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical areas shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09; and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

Pursuant to SMC 25.09.320.A.3, the ECA ordinance states, *"The vegetation and tree removal and revegetation activities listed in subsections 3a-d are allowed. The application submittal requirements and general development standards in Sections 25.09.330 and 25.09.060 do not apply to actions under subsections 3a, b(1), c(2)(a) or d, provided that no other development is carried out for which a permit is required.....c(2)Restoring or improving vegetation and trees, including removing non-native vegetation or invasive plants and noxious weeds by hand, to promote maintenance or creation of naturally functioning condition that prevents erosion, protects water quality, or provides diverse habitat when...or (b)when the area of work is one thousand five hundred (1,500) square feet or more in area calculated cumulatively over three (3) years, or if the removal of invasive plants or noxious weeds is by machine or chemicals, a plan that complies with subsections B2 and 3 is filed with the Department, the plan keeps significant environmental impact to a minimum, the Director approves the plan before any disturbance occurs, and the work is performed by or under the direction of a qualified professional."*

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated June 14, 2006. The information in the checklist and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has analyzed the environmental checklist submitted by the project applicant, and reviewed the project plans and any additional information in the file, specifically the Arborist report. Technical assistance was provided by an SDOT City Forester. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to

their temporary nature and limited effects, the impacts are not expected to be significant provided recommendations made by the applicant's Arborist are followed.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. Under certain limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary impacts on the identified critical areas are expected: vegetation removal (including the removal of twelve (12) trees and vegetation); increased soil erosion and sedimentation during tree and vegetation removal and following until vegetation is adequately established on site, and increased runoff. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794).

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code require that soil erosion control techniques be initiated for the duration of the tree and vegetation removal. The ECA ordinance regulates activity within designated ECA areas. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment and no further conditioning pursuant to SEPA policies is warranted.

Earth

The ECA Ordinance requires submission of technical reports to detail soils, geological, hydrological, drainage, plant ecology and botany, vegetation and other pertinent site information. Pursuant to this requirement the applicant submitted the following technical report:

- An arborist report prepared by Tina Cohen, dated April 8, 2006 and a three (3) year monitoring plan prepared by Lisa Port, dated June 14, 2006. The arborist report includes an inventory of the existing trees that were removed from the site and provides recommendations for tree/vegetation restoration and tree/vegetation management.

This report, monitoring plan and associated plans have been reviewed by DPD's geotechnical experts and an SDOT City Forester, who have concluded that the proposed tree, vegetation removal and restoration may proceed. The tree and vegetation removal plans, including erosion control techniques, restoration plans and monitoring plans will be reviewed by DPD. Applicable codes and ordinances provide extensive conditioning authority and prescriptive methodology for tree and vegetation removal. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

A possible long-term impact anticipated as a result of this proposal would be adverse impacts with regards to slope stability or soil erosion control if the tree and vegetation restoration plan is not continually monitored per the arborist requirements.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the ECA Ordinance, the Stormwater, Grading and Drainage Control Code. Unfortunately, these codes don't provide specify the manner in which the restoration plan should be monitored and how frequent this planting monitoring should occur. Therefore, a condition has been added to address this requirement.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

Prior to Final Approval of the Tree and Vegetation Permit (Non-appealable ECA Conditions)

1. The arborist conducting the work must attend an on-site pre-construction conference with DPD's Site Inspector and the SDOT City Forester to discuss erosion control measures and monitoring methodology prior to the start of work.
2. The arborist conducting the work must schedule an inspection with the DPD biologist (Rob Knable) after the planting has been completed.
3. A monitoring report shall be produced annually for a minimum of five years unless the Director of DPD determines the planting plan is a success, and then monitoring may be discontinued after three years. The report shall be prepared by a qualified firm and will include photos of the restoration area and percent cover, survival rates of plant stock and any contingency plans if necessary. This report should be provided to DPD Site Team after the growing season but no later than October 31st of each year.

Signature: _____ (signature on file) Date: September 4, 2006

Tamara Garrett, Land Use Planner

Department of Planning and Development

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